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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JOSHUA SMOLKO,
15 Defendant.
16

Case No. 2:20-cr-00118-KJD-VCF

**STIPULATION TO CONTINUE
MOTION DEADLINES**
(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Brian Y. Whang, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Keisha
20 K. Matthews, Assistant Federal Public Defender, counsel for Joshua Smolko, that the pretrial
21 motions and notices of defense currently due on April 26, 2022 be vacated and reset to May 26,
22 2022.

23 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
24 shall have to and including June 9, 2022, to file any and all responsive pleadings.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including June 16, 2022, to file any and all replies to dispositive motions.

The Stipulation is entered into for the following reasons:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the second stipulation to continue filed herein.

DATED this 26th day of April, 2022.

RENE L. VALLADARES
Federal Public Defender

/s/ Keisha K. Matthews

By _____
KEISHA K. MATTHEWS
Assistant Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Brian Y. Whang

By _____
BRIAN Y. WHANG
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSHUA SMOLKO,

7 Defendant.

Case No. 2:20-cr-00118-KJD-VCF

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. The defendant is incarcerated and does not object to the continuance.

17 3. The parties agree to the continuance.

18 4. The additional time requested herein is not sought for purposes of delay, but
19 merely to allow counsel for defendant sufficient time within which to be able to effectively and
20 complete investigation of the discovery materials provided.

21 5. Additionally, denial of this request for continuance could result in a miscarriage
22 of justice. The additional time requested by this Stipulation is excludable in computing the time
23 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
24 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
25 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including May 26, 2022 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including June 9, 2022 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including June 16, 2022 to file any and all replies.

DATED this 29th day of April, 2022.



UNITED STATES DISTRICT JUDGE
KENT J. DAWSON